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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,  
 JULIAN SANTIAGO, and SUSAN LYNN  
 HARVEY individually and on behalf of all  
 other similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688-RS

**DECLARATION OF JOHN A.  
 YANCHUNIS IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR CLASS  
 CERTIFICATION**

Judge: Hon. Richard Seeborg  
 Courtroom 3 – 17th Floor  
 Date: October 5, 2023  
 Time: 1:30 p.m.

**DECLARATION OF JOHN A. YANCHUNIS**

I, John A. Yanchunis, declare as follows.

1. I am a partner with the law firm of Morgan and Morgan, P.A., counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the state of Florida (admitted 1981), as well as the state of Texas (admitted 1980), and admitted *pro hac vice* in this case (Dkt. 14). I have personal knowledge of the matters set forth herein and am competent to testify.

2. I submit this Declaration in support of Plaintiffs' motion for class certification and appointment of Plaintiffs as representatives for the Class and the appointment of Morgan & Morgan, along with the firms of Boies Schiller Flexner LLP and Susman Godfrey as Counsel for the Class.

**A. Counsel Have Invested Significant Resources into Investigating Google's Unlawful Behavior and Litigating this Case.**

3. The three law firms representing Plaintiffs, Boies Schiller Flexner, LLP, Morgan & Morgan, and Susman Godfrey LLP (collectively, "Counsel"), have collectively invested significant resources into investigating and litigating this case since its inception. Counsel have invested substantial resources and time in the investigation of the factual baes and development of legal foundation for claims against Google. While ensuring efficiency, no expense has been spared in the litigation. Among other things, they have:

- Identified and investigated the technological means by which Google surreptitiously and illegally tracks consumers.
- Analyzed Google's disclosures regarding Web & App Activity.
- Investigated past allegations of Google's violations of privacy interests.
- Consulted with technology experts to assist in developing the case.
- Consulted with financial experts to assist in developing the case.
- Consulted with notice and administration experts to assist in developing the case.
- Researched and analyzed potential legal claims against Google.

- Evaluated numerous potential class representatives.

4. Since filing the initial complaint, Counsel has diligently pursued discovery into Google's misconduct. Google initially proposed only three document custodians. Through a combination of negotiations and Court intervention, Counsel secured an additional 25 Google custodians. Counsel similarly secured key search terms. Counsel's efforts, including the filing of numerous discovery dispute letter briefs, have resulted in Google producing tens of thousands of documents spanning over two million pages. Counsel also served 285 RFPs, 25 Interrogatories and 52 RFAs, resulting in Plaintiffs taking 15 depositions of fact witnesses after successfully moving to increase the presumptive ten-deposition limit. Counsel at the same time vigorously pursued production of relevant data, and retained and onboarded 30 consultants and experts to assist with day-to-day review of discovery and prepare reports.

**B. Morgan & Morgan Has Substantial Expertise in Privacy Litigation, High-Profile Class Actions, and Litigating Complex Technology Cases Against Google.**

5. Morgan & Morgan brings to bear unparalleled expertise litigating privacy class actions. Morgan & Morgan is a leading civil trial law firm representing consumers and commercial clients nationwide. With over 900 lawyers, and more than 3,000 non-lawyer employees, Morgan & Morgan is the largest plaintiffs' firm in the nation. Morgan & Morgan maintains offices throughout the United States, including in San Francisco and Los Angeles. Among its lawyers are former state attorney generals and present and former members of various state legislatures. It is self-funded and brings the financial resources and manpower needed to litigate this case.

6. Morgan & Morgan has a dedicated Complex Litigation Group staffed with lawyers, paralegals, and retired FBI agents serving as investigators committed to representing consumers in complex litigation, MDL proceedings and class action cases throughout the country. It has achieved many remarkable results in class litigation, including the settlement of *In re Black Farmers Discrimination Litigation*, no. 08-0511 (D.C. Oct. 27, 2017), where one of its partners served as co-lead. The case resulted in a settlement with the United States Government in the

1 amount of \$1.2 billion for African American farmers who had been systematically discriminated  
2 against on the basis of race, in violation of the Fifth Amendment to the United States Constitution,  
3 the Equal Credit Opportunity Act, Title VI of the Civil Rights Act, and the Administrative  
4 Procedure Act. Morgan & Morgan has assembled a talented team of lawyers in its class action  
5 practice group.

6 7. The Morgan and Morgan lawyers working on this matter include myself, Michael  
7 F. Ram, Keith Mitnik, Jean Sutton Martin, Ryan J. McGee, Marie Noel Appel, Ra. O. Amen, and  
8 David Reign, a former FBI agent who came to work for me after the day of his retirement from  
9 the FBI as an Assistant Special Agent in Charge.

10 8. I, **John A. Yanchunis** lead the class action section of the law firm. My practice—  
11 which began after completing a two-year clerkship with United States District Judge Carl O. Bue,  
12 Jr., S. D. Tex.—has concentrated on complex litigation and spans over 40 years, including  
13 consumer class actions for more than two-thirds of that time.

14 9. Alongside my experience in the area of privacy, I have also served as lead, co-lead,  
15 and class counsel in numerous national class actions, including multi-district litigation, involving  
16 a wide range of subjects affecting consumers, including antitrust, defective products, life  
17 insurance, annuities, and deceptive and unfair acts and practices. In 2014 and 2020, I was  
18 recognized by the National Law Journal as a trailblazer in the area of privacy litigation, and in  
19 2020, I have been twice recognized by Law360 as one of four MVPs in the area of privacy and  
20 cyber security litigation. For my work in the area of privacy litigation, I was awarded Florida  
21 Lawyer of the Year in 2020 by The Daily Business Review. In 2023, The Florida Bar named me  
22 as Consumer Protection Attorney of the Year. In 2023, and in recognition of my work in the areas  
23 of data privacy and cyber security, the President of The Florida Bar appointed me to serve on the  
24 newly formed committee of The Florida Bar to address issues relating to data privacy and cyber  
25 security.

26 10. As a result of my experience in an earlier part of my career in insurance and  
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1 complex litigation, beginning in 2005, I was selected by Tom Gallagher, the Chief Financial  
2 Officer for the state of Florida and a member of the Florida Cabinet, to serve as lead counsel for  
3 the Florida Department of Financial Services and the Florida Department of Insurance Regulation  
4 (the insurance regulators of Florida) in their investigations of the insurance industry on issues  
5 concerning possible antitrust activity and other possible unlawful activities regarding the payment  
6 of undisclosed compensation to insurance brokers. I served as lead regulator counsel and worked  
7 with a core group of state Attorneys General from the National Association of Attorneys General,  
8 which were selected to conduct the investigations. The insurance regulator for Florida was the  
9 only insurance regulator in the group. The litigation that was filed and the related investigations  
10 netted millions of dollars in restitution for Florida consumers and resulted in significant changes  
11 in the way commercial insurance is sold in Florida and across the country.

12 11. During my career, I have tried numerous cases in state and federal courts, including  
13 class cases, and one of the largest and longest insurance coverage cases in U.S. history, which was  
14 filed in 1991 by the Celotex Corporation and its subsidiary, Carey Canada, Inc. During the  
15 seventeen years the case pended, I served as lead counsel for several insurance companies,  
16 regarding coverage for asbestos and environmental claims. The case was tried in three phases over  
17 several years beginning in 1992. I was also lead counsel for these parties in the subsequent appeals  
18 that followed a judgment in favor of my clients.

19 12. I began my work in privacy litigation in 1999 with the filing of *In re Doubleclick*  
20 *Inc. Privacy Litigation*, 154 F. Supp. 2d 497 (S.D.N.Y. 2001), alleging privacy violations based  
21 on the placement of cookies on hard drives of internet users. Beginning in 2003, I served as co-  
22 Lead Counsel in the successful prosecution and settlement of privacy class action cases involving  
23 the protection of privacy rights of more than 200 million consumers under the Driver's Protection  
24 Privacy Act (DPPA) against the world's largest data and information brokers, including Experian,  
25 R.L. Polk, Acxiom, and Reed Elsevier (which owns Lexis/Nexis). See *Fresco v. Automotive*  
26 *Directions, Inc.*, No. 03-61063-JEM (S.D. Fla.), and *Fresco v. R.L. Polk*, No. 07-cv-60695-JEM  
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(S.D. Fla.). Subsequently, I served as co-Lead Counsel in the DPPA class cases, *Davis v. Bank of America*, No. 05-cv-80806 (S.D. Fla.) (\$10 million class settlement), and *Kehoe v. Fidelity Fed. Bank and Trust*, No. 03-cv-80593 (S.D. Fla.) (\$50 million class settlement).

13. I have been appointed and served in leadership positions a number of multidistrict litigation in the area of privacy and data breaches: *In re: Capital One Consumer Data Security Breach Litigation*, No. 1:19-MD-2915-AJT (E.D. Va.) (Co- Lead) (Final approval for settlement of a class for \$190 million granted on September 13, 2022); *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752-LHK (N.D. Cal.) (“Yahoo”) (Lead Counsel) (Final approval for settlement of a class for \$117.5 million for approximately 194 million US residents and 270,000 Israeli citizens; affirmed by the Ninth Circuit in July 2022); *In re The Home Depot, Inc. Consumer Data Security Data Breach Litigation*, No. 1:14-md-02583-TWT (N.D. Ga.) (Co-Lead Counsel) (Final approval for settlement of a class of 40 million consumers for a total value of \$29,025,000); *In Re: Equifax, Inc. Customer Data Security Breach Litigation*, 1:17-md-2800-TWT (N.D. Ga.) (member of the Plaintiffs’ Steering Committee) (Final approval for settlement of \$380.5 million fund for 145 million consumers with injunctive relief increasing the value above \$1 billion; affirmed by the Eleventh Circuit in 2022); *In re: U.S. Office of Personnel Management Data Security Breach Litigation*, 1:15-mc-01394-ABJ (D.D.C.) (“OPM”) (member of the Executive Committee) (Final approval of settlement of a class for \$63 million granted on October 26, 2022); and *In re Target Corp. Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.) (Executive Committee member) (Final approval of settlement of a class of approximately 100 million consumers).

14. My court-appointed leadership experience in non-MDL, data breach class actions is likewise significant, including: *Brown v. Google LLC*, No. 4:20-cv-03664 (N.D. Cal.) (Co-Lead Counsel) (Rule 23(b)(2) injunctive class certified for millions of U.S. residents; Rule 23(c)(4) issues classes briefed and pending decision; trial set for November 2023); *Adkins v. Facebook, Inc.*, No. 3:18-cv-05982 (N.D. Cal.) (Co-Lead Counsel) (“Facebook”) (Rule 23(b)(2) injunctive

1 class certified for 8 million U.S. residents, subsequent settlement of the class finally approved by  
2 the court in July 2021). Also, to name just a few more cases for illustrative purposes: *In re: Citrix*  
3 *Data Breach Litigation*, No. 19-cv-61350 (S.D. Fla.) (Final approval of class action settlement  
4 entered); *Henderson v. Kalispell Regional Healthcare*, No. CDV-19-0761 (Montana Eighth  
5 Judicial Court – Cascade County) (final approval of class settlement entered January 5, 2021);  
6 *Nelson v. Roadrunner Transportation Systems, Inc.*, 18-cv-7400 (N.D. Ill.) (final approval of class  
7 action settlement entered September 15, 2020); *Kuss v. American HomePatient, Inc.*, et al., 18-  
8 cv-2348 (M.D. Fla.) (final approval of class action settlement entered on August 13, 2020);  
9 *Fulton-Green v. Accolade, Inc.*, 18-cv-274 (E.D. Pa.) (final approval of class action settlement  
10 entered September 23, 2019); *Walters v. Kimpton Hotel & Restaurant*, No. 3:16-cv-05387 (N.D.  
11 Cal.) (“Kimpton”) (Lead Counsel) (class action settlement final approval order entered July 11,  
12 2019); *In re: Arby’s Restaurant Group, Inc. Data Security Litigation*, Nos. 1:17-cv-514 and 1:17-  
13 cv-1035 (N.D. Ga.) (co-Liaison Counsel) (final approval of a class settlement entered June 6,  
14 2019); and *Jackson, et al., v. Wendy’s International, LLC*, No. 6:16-cv-210-PGB (M.D. Fla.)  
15 (final approval of a class settlement entered February 26, 2019).

16 15. My experience in privacy litigation extends far beyond simply briefing threshold  
17 issues and negotiating settlements. Rather, I have personally deposed dozens of corporate  
18 representatives, software engineers, cyber professionals and CISOs in major data breach cases  
19 such as *Capital One*, *Yahoo*, *Kimpton*, and *Facebook*. In addition, I have defended experts used  
20 in these cases and also deposed defense liability and damage experts.

21 16. As result of my experience in the area of class litigation and ethics, I have served  
22 as an expert for The Florida Bar on ethical issues arising in class action litigation.

23 17. I am a frequent lecturer on privacy and class litigation nationally and  
24 internationally, including at international conferences, having presented at the University of  
25 Haifa’s 2019 Class Action Conference, in Haifa, Israel, attended by lawyers, judges and law  
26 professors from around the world. In 2020 I lectured on data privacy in Mexico, and in November  
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1 2020 and 2021 I presented on data privacy to an international group of lawyers, judges, and  
2 professors at a symposium in London sponsored by the London Law Society. I was a featured  
3 speaker on privacy and class action issues in 2022 at two different symposiums in Amsterdam  
4 sponsored by universities and one London, and two seminars on privacy and cyber security issues  
5 in the United States. I am scheduled as a speaker on topics related to data privacy in the fall at two  
6 different symposiums in London, and at yet another symposium set in April 2024 in London.  
7 Presently I am developing a two-day symposium on data privacy set to be held in Rome in 2024.

8 18. **Michael F. Ram.** Mr. Ram is a consumer class action lawyer with 40 years of  
9 experience. He graduated *cum laude* from Harvard Law School in 1982. He has co-tried several  
10 class action trials and frequently lectures on class trials. In 1992 he was a co-recipient of the Trial  
11 Lawyer of the Year Award given by Trial Lawyers for Public Justice for *National Association of*  
12 *Radiation Survivors v. Walters* No. 83-c-1861 (N.D. Cal.) (tried to class-wide judgment on remand  
13 from Supreme Court). Mr. Ram recently settled the matter of *McAdams v. Monier, Inc.*, 182 Cal.  
14 App. 4th 174, which he tried to a class verdict and defended on appeal for a \$44 million resolution.

15 19. From 1993 through 1997, Mr. Ram was a partner with Lieff, Cabraser, Heimann  
16 and Bernstein where he represented plaintiffs in several major class actions, including: *Cox v.*  
17 *Shell*, Civ. No 18,844 (Obion County Chancery Court, Tenn.) (national class of six million owners  
18 of property with defective polybutylene plumbing systems); *In re Louisiana-Pacific Inner-Seal*  
19 *Litigation*, No. 95-cv-879 (D. Oregon) (co-lead counsel) (national class of homeowners with  
20 defective siding); *ABS Pipe Litigation*, Cal. Judicial Council Coordination Proceeding No. 3126  
21 (Contra Costa County) (national class of homeowners).

22 20. In 1997, Mr. Ram founded Levy, Ram & Olson which became Ram & Olson and  
23 then Ram, Olson, Cereghino & Kopczynski. He was co-lead counsel in many consumer class  
24 actions including a national class of half a million owners of dangerous glass pane gas fireplaces  
25 in *Keilholtz et al. v. Superior Fireplace Company*, No. 08-cv-00836 (N.D. Cal. 2008). He was co-  
26 lead counsel for plaintiffs in *Chamberlan v. Ford Motor Company*, No. 03-cv-2628 (N.D. Cal.), a  
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1 class action involving defective intake manifolds that generated four published opinions, including  
 2 one by the Ninth Circuit, 402 F.3d at 950, and settled one court day before the class trial. He was  
 3 also co-counsel for plaintiffs in a number of other consumer class actions, including *Falk v GM*  
 4 496 F. Supp. 2d 1088 (2007) which became *In re General Motors Corp. Product Liability Lit.*  
 5 MDL No. 1896 (W.D. Wash.); *Richison v. American Cemwood Corp.*, San Joaquin Superior Court  
 6 Case No. 005532; *Williams v. Weyerhaeuser*, San Francisco Superior Court Case No. 995787;  
 7 *Naef v. Masonite*, Mobile County, Alabama Circuit Court Case No. CV-94-4033; *Hanlon v.*  
 8 *Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998); *McAdams v. Monier, Inc.* (2010) 182 Cal. App.  
 9 4th 174 (reversing denial of class certification in consumer class action); *Gardner v. Stimson*  
 10 *Lumber Co.* (King County Wash. No. 2-17633-3-SEA); *Rosenberg v. U-Haul* (Santa Cruz  
 11 Superior Ct. No. CV-144045 (certified consumer class action for false and deceptive conduct; tried  
 12 successfully to judgment); *In re Google Buzz User Privacy Litigation*, No. 10-cv-00672-JW (N.D.  
 13 Cal. 2011) (international class action settlement for false and deceptive conduct); *Whitaker v.*  
 14 *Health Net of California, Inc., and International Business Machines Corp.*, No. 2:11-cv-0910 KJM  
 15 DAD (E.D. Cal.) (electronic privacy class action under the California Confidentiality of Medical  
 16 Information Act); and *Milligan v. Toyota Motor Sales, U.S.A., Inc.*, United States District Court,  
 17 N.D. Cal. Case No. C09-05418-RS; *In re Kitec Plumbing System Products Liab. Litigation MDL*  
 18 *No 2098*, N.D. Texas, No. 09-MD-2098; and *Ehret v. Uber Techs., Inc.*, 148 F. Supp. 3d 884 (N.D.  
 19 Cal. Judge Chen).

20 21. From 2017 to 2020, Mr. Ram was a partner at Robins Kaplan LLP. In August, 2020,  
 21 Mr. Ram joined Morgan & Morgan to open the San Francisco office. He is currently co-lead  
 22 counsel in numerous consumer class actions, including *Gold v. Lumber Liquidators*, N.D. Cal. No.  
 23 14-cv-05373-RS, a certified multistate class action involving bamboo floors, and *Fowler v. Wells*  
 24 *Fargo*, N.D. Cal. No. 3:17-cv-02092-HSG, a class action involving interest charges that settled for  
 25 \$30 million. In addition, he is also currently serving on the Plaintiffs' Steering Committee in the  
 26 *In re Philips CPAP MDL Litigation*, where he is co-chair of the Law and Briefing Committee.

1           22.     **Keith Mitnik.** Mr. Mitnik is senior trial counsel for Morgan & Morgan. He has been  
2 trying civil jury trials since being admitted to the Florida Bar in 1984. In his position at Morgan &  
3 Morgan, all he does is try cases that others have worked up. He averages more than one jury trial  
4 per month and has kept up that pace for many years. He tries every kind of civil jury trial for the  
5 plaintiff's side as first chair, including class actions, product liability, medical malpractice,  
6 personal injury, premises liability, defamation. He has tried multiple suits against cigarette  
7 companies (RJ Reynolds and Phillip Morris). He also tries many commercial litigation jury trials.  
8 He has taken on CNN and Time Magazine in a landmark defamation case in Washington DC.  
9 Shortly before Covid slowed things down, he tried a class action case in Chicago involving  
10 testosterone supplements. Even with Covid interfering with trials in the last year, Keith has tried  
11 8 jury trials and is set to try several more before the end of the year. He recently finished a 5-week  
12 trial in California against Union Pacific Railroad. Before that, he tried a case against Major League  
13 Baseball in NYC over a licensing agreement. He is lead Trial Counsel for the first class action trial  
14 involving Juul E-Cigarettes against Phillip Morris. He has tried approximately 200 jury trials. He  
15 tries cases all over the country. When not in trial, Mr. Mitnik teaches trial advocacy. He has been  
16 the featured speaker for plaintiffs lawyers' associations in many states. Most recently he was a  
17 featured speaker in San Diego at what was reported to be the largest plaintiffs lawyers' seminar in  
18 history, with thousands in attendance. He is a bestselling author on trial skills. His two books are:  
19 Don't Eat the Bruises and Deeper Cuts (the latter being released earlier this month).

20           23.     **Jean Sutton Martin.** Ms. Martin presently serves by appointment as interim co-  
21 lead counsel in *Combs, et al. v. Warner Music Group*, Case No. 1:20-cv-07473-PGG (S.D.N.Y.),  
22 *In re Morgan Stanley Data Security Litigation*, 1:20-cv-05914 (S.D.N.Y.) (final approval granted  
23 for \$68 million settlement for 15 million class members); and *In Re: Ambry Genetics Data Breach*  
24 *Litigation*, No. 20-cv-00791 (C.D. Cal.) (final approval granted for \$12.25 million settlement).  
25 She also serves as a member of the Plaintiffs' Steering Committee for the cases proceeding against  
26 LabCorp, Inc. in *In re: American Medical Collection Agency Data Breach Litigation*, 19-md-2904  
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(D. N.J.). She is a member of the Plaintiffs' Steering Committee in *In re: Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation*, No. 17-md-2775 (D. Md.); and *In re: Allergan Biocell Textured Breast Implant Products Liability Litigation*, No. 19-md-2921 (D. N.J.).

24. In a case in which she serves as interim co-lead counsel, Ms. Martin argued a motion for class certification which resulted in the first order in the country granting Rule 23(b)(3) certification in a consumer payment card data breach. *In re Brinker Data Incident Litigation*, No. 3:18-CV-686-TJC-MCR, 2021 WL 1405508 (M.D. Fla. Apr. 14, 2021). That Rule 23(b)(3) certification was recently affirmed in part. *Green-Cooper v. Brinker Int'l., Inc.*, --- F.4th ---, 2023 WL 4446420 (11th Cir. July 11, 2023).

25. She has served in leadership positions in many consumer class actions and consolidated proceedings in federal courts around the country, including *inter alia*: *Aguallo, et al. v. Kemper Corp., et al.*, Case No.: 1:21-cv-01883 (N.D. Ill.) (data breach settlement valued at over \$17.5 million) (co-lead counsel); *Gordon, et al. v. Chipotle Mexican Grill, Inc.*, No. 17-cv-01415 (D. Colo.) (data breach) (co-lead counsel); *Linnins v. HAECO Americas, Inc., et al.*, No. 16-cv-486 (M.D.N.C.) (employee data disclosure) (co-lead counsel); *Torres v. Wendy's International, LLC*, No. 6:16-cv-210 (M.D. Fla.) (data breach) (class counsel); *Fuentes, et al. v. UniRush, LLC, et al.*, No. 1:15-cv-08372 (S.D.N.Y.) (disruption in servicing of financial accounts) (co-lead counsel); *Lewis, et al. v. Green Dot Corp., et al.*, No. 2:16-cv-03557 (C.D. Cal.) (disruption in servicing of financial accounts) (class counsel); *Brady, et al. v. Due North Holdings, LLC, et al.*, No. 1:17-cv-01313 (S.D. Ind.) (employee data disclosure) (class counsel); *Foreman v. Solera Holdings, Inc.*, No. 6:17-cv-02002 (M.D. Fla.) (employee data disclosure) (class counsel); *In Re: Outer Banks Power Outage Litigation*, No. 4:17-cv-141 (E.D.N.C.) (extended island power outage due to defective construction practices) (class counsel); and *McCoy v. North State Aviation, LLC, et al.*, No. 17-cv-346 (M.D.N.C.) (WARN Act violations) (class counsel).

26. In addition to consumer class actions, Ms. Martin has practiced in the areas of mass

1 tort and catastrophic personal injury litigation. Prior to joining Morgan and Morgan, Ms. Martin  
2 ran her own law firm concentrating in consumer class actions and mass tort litigation. She also has  
3 served as an adjunct professor at Wake Forest University School of Law.

4 27. Ms. Martin received her Juris Doctor degree from Wake Forest University School  
5 of Law in 1998, where she served as Editor-in-Chief of the *Wake Forest Law Review*. She obtained  
6 eDiscovery certification from the eDiscovery Training Academy at Georgetown Law Center in  
7 2017. Ms. Martin graduated from Wake Forest University with a Bachelor of Science in  
8 Mathematical Economics in 1989. She earned a Master of International Business from the  
9 University of South Carolina in 1991.

10 28. Ms. Martin has been honored with the prestigious “AV” rating by Martindale-  
11 Hubbell. In 2016, Ms. Martin was selected by her peers as the foremost Litigation attorney in the  
12 State of North Carolina for *Business North Carolina Magazine’s Legal Elite*, gaining membership  
13 in the *Legal Elite* Hall of Fame. In 2015, she was inducted as a Fellow of the Litigation Counsel  
14 of America, a prestigious trial lawyer honorary society comprised of less than one-half of one  
15 percent of American lawyers. Fellows are selected based upon excellence and accomplishment in  
16 litigation, both at the trial and appellate levels, and superior ethical reputation. For upholding the  
17 highest principles of the legal profession and for outstanding dedication to the welfare of others,  
18 Ms. Martin has also been selected as a Fellow of the American Bar Foundation, an honorary legal  
19 organization whose membership is limited to one third of one percent of lawyers in each state.  
20 Since 2012, she has been selected to the Super Lawyers list for North Carolina in the areas of mass  
21 torts and class actions, with repeated selection to the Top 50 Women North Carolina list since  
22 2014. Additionally, Ms. Martin has been named by National Trial Lawyers to the Top 100 Trial  
23 Lawyers, Top 50 Class Action Lawyers, and Top 50 Mass Torts Lawyers for North Carolina.

24 29. Before entering law school, Ms. Martin worked with the sales finance team of  
25 Digital Equipment Company in Munich, Germany developing sales forecasts and pricing models  
26 for the company’s expansion into the Eastern European market after the fall of the Berlin wall.

1 She also worked as a practice management consultant for a physician consulting group and as a  
 2 marketing manager for an international candy manufacturer where her responsibilities included  
 3 product development, brand licensing, market research, and sales analysis.

4 30. Ms. Martin is a member of the North Carolina bar, having been admitted in 1998.  
 5 She is also admitted to practice before the United States Supreme Court, the United States Court  
 6 of Federal Claims, the United States Court of Appeals for the Fourth Circuit, the Western, Middle,  
 7 and Eastern Districts of North Carolina, and the United States District Court of Colorado.

8 31. **Ryan J. McGee.** Mr. McGee joined Morgan & Morgan's Complex Litigation  
 9 Group in March 2018, and has since extensively practiced in the areas of privacy and consumer  
 10 protection class action litigation. His work since 2018 resulted in Law360 recognizing him as one  
 11 of only three Rising Stars in the area of cybersecurity and privacy for 2023. He has substantially  
 12 supported the following representative litigations resulting in the recovery of more than half a  
 13 billion dollars for consumers: *Brown v. Google LLC*, No. 4:20-cv-03664-YGR (N.D. Cal.); *In re*  
 14 *Morgan Stanley Data Security Litigation*, No. 20-cv-5914-AT (S.D.N.Y.); *Adkins v. Facebook,*  
 15 *Inc.*, No. 3:18-cv-05982-WHA (N.D. Cal.); *In Re: Ambry Genetics Data Breach Litigation*, No.  
 16 20-cv-00791 (C.D. Cal.); *Pfeiffer et al. v. RadNet, Inc.*, No. 2:20-cv-09553-RGK (C.D. Cal.); *Ford*  
 17 *et al. v. [24]7.ai, Inc.*, No. 5:18-cv-02770-BLF (N.D. Cal.); *In re Yahoo! Inc. Customer Data*  
 18 *Security Breach Litigation*, No. 16-md-02752-LHK (N.D. Cal.); *In re Equifax, Inc. Customer Data*  
 19 *Security Breach Litigation*, No. 1:17-md-02800 (N.D. Ga.); *In re: U.S. Office of Personnel*  
 20 *Management Data Security Breach Litigation*, 1:15-mc-01394-ABJ (D.D.C.); *Henderson v.*  
 21 *Kalispell Regional Healthcare*, No. CDV-19-0761 (Montana Eighth Judicial Court – Cascade  
 22 County); *Morrow v. Quest*, No. 2:17-cv-0948 (CCC) (JBC) (D.N.J.); *In re Google Plus Profile*  
 23 *Litigation*, No. 5:18-cv-06164 EJD (N.D. Cal.); *Stoll et al. v. Musculoskeletal Institute, Chartered*  
 24 *d/b/a Florida Orthopaedic Institute*, No. 8:20-cv-01798-CEH (M.D. Fla.); and *Kuss v. American*  
 25 *HomePatient, Inc., et al.*, No. 8:18-cv-02348 (M.D. Fla.).

26 32. Mr. McGee's experience in privacy litigation extends well beyond drafting  
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1 pleadings, briefing legal disputes, and negotiating settlements. He has personally deposed dozens  
2 of corporate representatives, software engineers, and cyber professionals in major privacy cases  
3 such as *Brown v. Google*, *Capital One*, and *Facebook*. He has also deposed defense liability and  
4 damages experts in these (and other) cases, and defended experts in those fields at deposition and  
5 in *Daubert* hearings. Mr. McGee cross-examined two (of four) technical witnesses during the  
6 hearing that resulted in the successful pursuit of multiple sanctions against Google.

7 33. Mr. McGee studied business economics and history at the University of Florida,  
8 where he was a teaching assistant for technology classes in the business school, then received his  
9 law degree from Stetson University College of Law, where he was an editor on the *Stetson Law*  
10 *Review*, a research assistant for antitrust and consumer protection laws, and a teaching assistant  
11 for Stetson's world renown trial advocacy program. He began his legal career as a state-appointed  
12 prosecutor, where he tried over 50 jury trials to verdict, mostly felonies, as well as a special  
13 prosecutor appointed to investigate and prosecute police officers' deadly use-of-force and  
14 corruption within various law enforcement agencies. He also served as a law clerk for two years  
15 for the Honorable Elizabeth A. Kovachevich, the former Chief United States District Judge,  
16 Middle District of Florida. Before joining Morgan & Morgan, His private practice involved  
17 complex business disputes, antitrust, trade secret, data security, and class action investigations and  
18 defense-side litigation in state and federal courts across the country.

19 34. Mr. McGee was admitted to the Florida Bar in 2009 and is also admitted to practice  
20 in the Northern, Middle, and Southern Districts of Florida, the District of Colorado, and the Ninth  
21 Circuit Court of Appeals.

22 35. ***Marie Noel Appel***. Ms. Appel has dedicated her career to representing consumers  
23 in both individual and class action cases involving claims under consumer protection laws and  
24 other statutory and common law claims. She earned a B.A. in French from San Francisco State  
25 University in 1992 and graduated from University of San Francisco School of Law in 1996, where  
26 she served as an Associate Literary Editor of the *University of San Francisco Maritime Law*  
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1 *Journal.*

2 36. For most of her career, Ms. Appel has been in private practice litigating class claims  
3 related to defective products, mortgage fraud/Truth in Lending violations, unfair business practices  
4 relating to manufactured home sales, interest overcharges by the United States on military  
5 veterans' credit accounts, and statutory violations by the United States relating to offset of debts  
6 beyond the limitations period.

7 37. From 2012 to 2019, Ms. Appel left private practice to become the Supervising  
8 Attorney of the Consumer Project at the Justice & Diversity Center of the Bar Association of San  
9 Francisco which provides free legal services to low-income persons facing consumer issues.

10 38. In April 2019, Ms. Appel returned to private practice as Counsel at Robins Kaplan,  
11 LLP, then joined Morgan & Morgan in August 2020 where she focuses on class action litigation.

12 39. In addition to her legal practice, Ms. Appel is an Adjunct Professor at Golden  
13 Gate University School of Law in San Francisco where she teaches legal research and writing, and  
14 from 2011 to 2018 supervised students at the Consumer Rights Clinic, in which students performed  
15 legal work at the Justice & Diversity Center's Consumer Debt Defense and Education Clinics.  
16 Prior to joining the Justice & Diversity Center, Ms. Appel regularly provided pro bono assistance  
17 for low-income consumers facing debt collection lawsuits, through the Justice & Diversity Center  
18 in San Francisco which, on multiple years, designated her as one of the Outstanding Volunteers in  
19 Public Service. Ms. Appel has also provided trainings to attorneys regarding consumer collection  
20 defense and related matters, focusing recently on a state-wide training relating to representing low-  
21 income individuals in lawsuits for unpaid back rent resulting during the COVID-19 pandemic.

22 40. Ms. Appel is admitted to practice in the Ninth Circuit Court of Appeals, and United  
23 States District Courts in the Central District of California; the Eastern District of California; the  
24 Northern District of California; and the Southern District of California.

25 41. ***Ra O. Amen.*** Mr. Amen was raised in both the California Bay Area and  
26 Massachusetts. In 2005, Ra graduated from Stanford University with a B.A. in Economics. After  
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1 graduating, Ra worked as a Peace Corps volunteer in Morocco teaching English as a second  
2 language and business skills to local artisans. Before entering law school, Ra worked for several  
3 years in education and in business development for a mobile technology startup. In 2017, he  
4 obtained his Juris Doctor degree with Honors from Emory University School of Law. While at  
5 Emory Law, he was a Managing Editor of the Bankruptcy Developments Journal, interned at a  
6 consumer fraud law practice, and worked in-house with one of the globe's leading metals  
7 companies assisting in a diverse array of legal issues ranging from corporate restructuring to  
8 international tax and contract disputes. Before joining Morgan & Morgan in 2020, Mr. Amen  
9 worked at one of the nation's largest defense law firms in the nation where he specialized in  
10 representing clients in complex commercial, administrative, and ecclesiastical disputes. Ra was  
11 admitted to the Georgia Bar in 2017.

12 42. **David Reign.** Mr. Reign is the former Assistant Special Agent in Charge of the  
13 Tampa FBI Field office, with nearly 25 years of investigative experience. He has investigated and  
14 managed some of the FBI's most complex white-collar crime cases, with an emphasis on health  
15 care fraud, public corruption, and financial crimes. As Deputy Chief of the Enron Task Force, he  
16 led a team of investigators and analysts in the successful investigation and prosecution of several  
17 executives of the Enron Corporation. He received the Attorney General's Award for Exceptional  
18 Service for his work on the Enron matter.

19 43. Morgan & Morgan, along with our co-counsel Boies Schiller Flexner LLP and  
20 Susman Godfrey LLP have demonstrated a commitment to this case on behalf of Plaintiffs and the  
21 Class they seek to represent, and will continue to advocate for Plaintiff and the Class and expend  
22 the necessary resources to ensure a just result of them.

23 I declare under penalty of perjury under the laws of the United States of America that the foregoing is  
24 true and correct. Executed this 20th day of July, 2023, at Tampa, Florida.

25  
26 /s/ John A. Yanchunis